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# OBSTACLES TO THE ENFORCEMENT OF CHILD LABOR LEGISLATION

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Sixty years ago in England the great obstacle to the enforcement of child labor legislation, and even to the enactment of such legislation, was the attitude of the cotton manufacturers of that kingdom, who went in delegations to Parliament, and said, "Yes, there is child labor, and it is a good thing that the children should learn to work. We are carrying on schools to teach them to work. Moreover, it is good for the kingdom that there should be child labor, for on that rests the commercial supremacy of the nation." And the only answer possible at that time was a purely theoretical statement that nothing can be so important as the life, the health and welfare of the children of the nation.

We have not that obstacle in this country. No great delegations of manufacturers go to Congress, or to any legislature, and say, "Yes, there is child labor, and it is a good thing for the children, and for the republic." They do not go to Congress at all on this subject, or to any legislature—not at all. Though their trade organs the great manufacturers say: "there is no child labor in this country. If there were it would be a bad thing. We do not employ young children. This is all exaggeration." But they do employ children, and the children are working to-night. I know that children six, seven and eight years old work this week in New York City tenements for reputable manufacturers. I have seen children in a cotton mill in Georgia whose employer told me they were ten years old, who were wretched dwarfs if they were really eight years old. That one man frankly showed children at work in his mill.

On the whole, however, the entire attitude of the manufacturing

class has been revolutionized in sixty years. No one now says that it is a good thing for little children to work. The haggling now is as to whether a child shall legally begin at twelve, or at fourteen, or at sixteen years to work.

It is ultimately the attitude of mind of the nation that decides whether child labor laws shall be enforced after they are enacted. And the attitude of mind has changed (as it exhibits itself in speech and in print) from the bold claim—that the commercial supremacy of England was more important than the welfare of the English race, to the hypocritical attitude of this country, that we have not the evil and, therefore, need do nothing about it. I do not know which obstacle to the enforcement of law is more effective. The obstacle is there, and our legislation, taking the country over, is not effectively enforced.

There are three objective tests of the enforcement of our laws. One is the presence of children in school. This is now being shown in an interesting exhibit of industrial conditions in Philadelphia. There is a chart showing the attendance of the children of Chicago at school in the year 1902. A small block symbolizes the attendance in that year. For the following year the same block repeated symbolizes the attendance; but the next year, 1904, when the present drastic child labor law of Illinois had taken effect, the enrollment in the Chicago schools of the children of compulsory school age trebled. It required three times the original block to indicate the school attendance in the year after that new law took effect and was enforced. That statute carried a thousand children out of the stockyards in a single week; and later it carried 2,200 children out of the mines of Illinois in another week, following the decision of the enlightened judge of the Peoria district. And the increased school enrolment showed whither the children went.

The second objective test of the enforcement of child labor laws is prosecution. The child labor law is enforced in Illinois by persistent prosecution. Hundreds of employers have paid thousands of dollars in fines, and the visible result of the success of those prosecutions is the presence of the children of compulsory school age in school. That is an infallible test of the effectiveness of the enforcement of the law which prohibits children working throughout the period of compulsory school attendance.

South of Baltimore—south of Louisville—there are no prosecutions; there is no compulsory school attendance. In any southern state to-day school attendance does not serve as a test of the efficiency of the protection of the children, because there are not schools enough to enroll the children if they were all dismissed from the mills. The test of the presence of the children in the schools enough to enroll the children if they were all dismissed children. We enroll our children in New York City. I wish I might say that we kept them in school. We enroll them, at least, and the enrollment has increased under the recent efficient enforcement of the law in the factories by Commissioner Sherman. Even where there are not schools enough to admit the children, we can at least enroll them so that we may know where they are, and the opportunity to enroll them depends largely upon the efficiency of the prosecutions carried out by the factory inspectors.

The enforcement of the law depends not only on the quality of the men to whom the work of enforcing it is entrusted; it depends far more largely on the quality of the community in which those men hold office. There are few blacker chapters in the history of this republic than the ever-recurring story of removal of efficient officers because they have attempted to enforce child labor laws in communities which were willing to have those laws on the statute books so long as they were not enforced, but either repealed the statutes or removed the officers as soon as there was any effective prosecution.

There is a brilliant example of this in the history of the City of New York. The mercantile employees' law, when first drafted, provided that the same officer who enforced the law in factories should enforce it in the stores. But the Retail Dealers' Association of New York City objected, and prevented the enactment of the statute until a compromise was achieved. That was in the days when we had a very efficient inspector in office, the only efficient one we ever had before Mr. Sherman. A compromise was achieved, and the enforcement of the law in stores was left to local boards of health. The Retail Dealers' Association highly approved the appointment of a leading philanthropic merchant of New York to the position of commissioner of health. This gentleman said quite frankly when he took office that he did not mean to hold it long,

that he had only two aims which he wished to achieve. One aim was to get free sterilized and pasteurized milk for the children of the tenements; the other aim was to cut out of the municipal budget the appropriation for local inspectors to enforce the child labor laws in stores. He achieved both these ends; he cut out the municipal appropriation for the enforcement of the law in stores, and he established pasteurized milk for children in tenements. Then he resigned. His successor cut out the pasteurized milk; and then we had neither mercantile inspection nor pasteurized milk. And to this day the child labor law has never been enforced in stores. Notice is served upon the incoming commissioner of health by the secretary of the Retail Dealers' Association that they do not consider it desirable that the law should be enforced in stores with the same rigor with which it is enforced in factories.

Two years ago I saw one hundred and fifty children working illegally at twenty minutes past ten o'clock at night in a perfectly reputable dry goods store in the City of New York on the Saturday night before Christmas. If one of those children had stolen any small article, a doll or a penknife, the heavy hand of the law would have carried that child promptly into the juvenile court. But one hundred and fifty children were robbed of sleep in violation of the law; and the merchant, their employer who robbed them, has never been prosecuted to this day, and will never be prosecuted. The community does not insist that the great in New York City shall obey the law for the protection of the children; and no commissioner of health has had the moral courage to do that which his community does not wish done.

While the community in New York does sustain the Commissioner of Labor in his prosecutions of manufacturers who employ children illegally, no commissioner of health has instituted proceedings under a similar law against any merchant in the city except in the case of one or two obscure men down in the lower East Side.

It is difficult to induce men of high ability to give up their chosen occupations to take a position which involves them in an oath that they will enforce a law when there is always a sword hanging over their heads if they do enforce that law. If there is a great clamor in the community by a few people that the law shall be enforced, the temptation is terribly strong to enforce it

against obscure offenders violating it in a small way, so as to make a record of something done without incurring powerful opposition for the official or for the law.

The third test of the enforcement of the child labor laws is the published records of the officials appointed to enforce them. The friends of the children are growing in numbers, but they often lack technical acquaintance with the subject. It may be said of many of us that our intentions are good, but we have never been working children, we have never been employers, we have, perhaps, never been teachers of working children, and we do not speak with authority. Then we turn necessarily to official information on the subject; and it is a sad commentary on the interest of this nation in its working children that most of the carefully-stated information now available is non-official. It is furnished by voluntary bodies, and can be attacked as non-official and as amateur. And why?

Why is it that, year after year, one searches the reports of the state bureaus of statistics (of which twenty or thirty volumes are issued), to find perhaps a dozen pages of lucid statement of the child labor conditions in some one state? Commissioner Sherman's reports are models of what we pray that some time we may have in all the states in which there is child labor.

From time to time we receive at the office of the Consumers' League a request to send a full file of official reports to Europe, and we make excuses for not doing so, for most of them we should be ashamed to send. They darken wisdom. They do not afford data for valid comparisons.

In the same industrial exhibition in Philadelphia, of which I spoke, the most conspicuous objects are two huge signs which tell the story taken from the official records of Pennsylvania concerning enforcement of the child labor laws in manufacture and mercantile pursuits in that state. The latest available report is dated 1904, and this is the end of 1906.

One of those signs says, in large letters:

Pennsylvania—Children Employed, 40,140.  
Children Illegally Employed, 3,243.  
Prosecutions, 22.

The other sign says:

Pennsylvania—Children Employed, 40,140.  
Children Illegally Employed, 3,243.  
Fines Imposed, \$750.  
Average Cost of Violation of the Child Labor Law in  
Pennsylvania, 23 Cents.

Now, that is the sort of information for want of which we are not, on the whole, very intelligent about our working children in this country. The National Consumers' League, a volunteer philanthropic body, publishes every year a Handbook of Child Labor Legislation. Why is this book left to be published by a volunteer body? Why does not the United States Department of Commerce and Labor publish it? And why has the predecessor of that department not done so for the past twenty years? Why has the handbook been left to grow from a little leaflet of four pages, five years ago, to a little pamphlet of sixty-four pages now, published as a supplement to *THE ANNALS* of the American Academy this year? Why are the American people content to have thousands of undecipherable official pages of unmeaning figures published year after year? Why have we endured being left with no official means of ready comparison of the statutes of the different states, and the prosecutions of violations of the child labor law in the different states? Whether in Ohio it costs twenty-three cents for every violation of the child labor law, or twenty-three dollars, or \$230, or \$2,300, we do not know. We do not know this for any state unless we sit down and carefully and laboriously make computations for ourselves, which may then perhaps be in error.

These, I believe, are the gravest obstacles at the present time to the enforcement of the child labor law: First, the general hypocrisy of the American people, believing that child labor is an evil, and that, therefore, we do not tolerate it—when there are working children on the streets before our eyes, every working day in the year, in every manufacturing city. Second, the failure to make the work of enforcing the law a desirable and recognized profession into which the ablest men will willingly go. Leonard Horner, the first of the English factory inspectors, held office thirty-four years. He laid the foundation for factory inspection throughout

the world. His name goes down in history coupled with the name of Lord Shaftesbury—and honorably coupled with it. And from his day to the present the position of local factory inspector and shop inspector is an honorable one for which thoroughly efficient men eagerly compete in the English civil service. In America, we leave an inspector at the mercy of the most influential man whom it may be his duty to prosecute, and at the mercy of every turn of the political wheel; and then we wonder that we have not a race of noble martyrs who protect working children at cost of their own professional careers. And we fall to thinking that there is something hopeless in the effort to put better laws upon the statute book if then they are to sleep upon its pages.

The trouble is with ourselves. We get exactly the sort of care for the children through the officials that the community determines they shall have; and we register our indifference in accepting such printed records as we have now, obscuring the actual conditions of the working children in nearly all the states.

Where the employment of children is arrested, as is the case effectually in Illinois, partially in New York, partially in Massachusetts, the records are so clear that any school child can understand them. The ability which makes it possible to arrest the growth of child labor makes it possible also to print records which we can all read and understand and use.

The next step which we need to take is to insist that this is a national evil, and we must have a national law abolishing it. We must also insist that this is a matter of great import to the people of this country, that the government must give us information not only through a bureau for the children in the federal government but through all the existing departments, the Census Bureau, the Department of Commerce and Labor, the Department of Education. We must demand trustworthy records in our state publications, so that we shall not blush when a request comes to send a complete collection of our records for the use, for instance, of the Austrian government.